

Application Number 10/594,777
AMENDMENT of July 12, 2011
In reply to Office Action of April 12, 2011

REMARKS

This response is submitted under 37 C.F.R. § 1.111 in reply to the Office Action of April 12, 2011.

Claims 1 through 13 and 15 through 22 are pending in the application. Claims 1, 3, 5, 7, 8, 10, and 15 through 17 are amended by this response. Claim 14 is canceled. The amendments are for clarification purposes and are fully supported by the specification. No new matter is added.

The Applicants thank the Examiner for conducting the interview and concur with the Interview Summary of June 8, 2011.

1. Rejection under 35 U.S.C. § 112, First Paragraph

The Examiner rejects claims 7 and 10 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that “claims 7 and 10 recite the tensioner is detached from the tiltable structure when the apparatus is in the second mode, but the drawings illustrate tensioner 204 is attached to the tiltable structure 202 when the apparatus is in the second mode.”

Claims 7 and 10 are amended to clarify that the tensioner can be detached to adapt the apparatus into the second mode.

Claim 1 recites that the apparatus is operable in a first mode wherein the tensioner is carried by said structure with its axis at an elevated angle aligned with a departure angle of the

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article being laid, and in a second mode wherein the tensioner is arranged with its axis substantially horizontal. Figure 3 supports claim 1.

Claim 7 recites that in the second mode the tensioner is detached from and supported independently of the tiltable structure. Claim 10 recites that a straightener and radius controller mounted above the crossbeam and being detachable when adapting the apparatus into the second mode. Claims 7 and 10 are supported by at least paragraphs 11 and 13, and the abstract. In particular, paragraph 13 states that in a preferred embodiment, tensioning means is detached from the tiltable structure in the second mode.

Claims 7 and 10 are adequately supported by the written description in the specification to enable a person skilled in the art to make and use the invention. The Applicants request withdrawal of the claim rejections under 35 U.S.C. § 112, first paragraph.

2. Rejection under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 1 through 13 and 15 through 22 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The Examiner states that the use of the words “it” and “its” as recited in claims 1 and 15 renders the claims indefinite as it is unclear as to which structural element or limitation the term is referring.

The Examiner states that the use of the term “can” in claims 3, 5, 8, 16, and 17 renders the claim indefinite.

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The Examiner states that in claim 10 it is unclear which elements are “being detachable” when the apparatus is in the second mode.

The Applicants amended the claims identified by the Examiner to address this rejection. This rejection should be withdrawn.

3. Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1 through 13 and 15 through 22 under 35 U.S.C. § 103(a) as being obvious under U.S. Patent Number 4,721,411 to Recalde. The Applicants traverse this rejection and request reconsideration.

The Applicants amend claims 1 and 15 to clarify that the apparatus is operable in a first mode and a second mode. In the first mode, the tensioner axis is at an elevated angle aligned with the departure angle of the rigid elongate product being laid. In the second mode, the tensioner axis is substantially horizontal, and the apparatus receives flexible elongate product from the tensioner along the axis.

The Recalde patent does not disclose or make obvious the structure claimed by the Applicants. The Recalde patent does not teach, suggest, or motivate one skilled in the art to an apparatus having the Applicants’ two claimed modes as defined by the tensioner axis with the (1) rigid elongate product or (2) flexible elongate product. This rejection should be withdrawn.

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In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration is requested.

Respectfully submitted,



Paul Grandinetti
Registration No. 30,754

LEVY & GRANDINETTI
P.O. Box 18385
Washington, D.C. 20036-8385

(202) 429-4560